

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

**Original Application No. 291/00587/2015
with MA No.291/00414/2015**

Date of Order: 02.05.2016

CORAM

Hon'ble Ms. Meenakshi Hooja, Administrative Member

Syed Razi Haider Taqvi S/o Syed Mohd. Hashim Taqvi, aged about 54 years, resident of H.No.581, Taqvi Manzil, Amer Road, Jaipur(Raj.). Presently posted at Passport Seva Kendra (PSK), Jaipur on the post of Passport Granting Officer.

.....Applicant

(By Advocate Mr. Tanveer Ahmed)

VERSUS

1. Union of India, through Foreign Secretary, Ministry of External Affairs, Patiyala House, Tilak Marg, New Delhi.
2. Joint Secretary (CPV), Ministry of External Affairs, Patiyala House, Tilak Marg, New Delhi.
3. Regional Passport Officer, Jaipur Raj. Regional Passport Office, J-14, Jhalana Institutional Area, Jhalana Doongri, Jaipur.

.....Respondents

(By Advocate Mr. Rajendra Vaish)

ORDER

This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

- 8 (a) By an appropriate order or direction the impugned order dated 30.07.2015(Ann.A/1) may be quashed and set aside and the humble applicant may be allowed to continue at the present place of posting i.e. at Regional Passport Office, Jaipur (presently on temporary duty at Passport Seva Kendra, Jaipur) in the interest of justice.

(b) Any other relief as the Hon'ble Tribunal may deem just and proper under the fact and circumstances may be granted in favour of the applicant.

The matter came up for consideration and hearing on 20.04.2016 (Part-heard) which was continued on 02.05.2016. The Ld. Counsel for the applicant submitted that after filing of the OA and as brought out in the rejoinder that Shri S.K.Singh and Shri C.S. Sharma also working on the same post of Passport Granting Officer at Passport Office, Jaipur were due for retirement in November, 2015 and have since retired and therefore, vacancies are available at Passport Office, Jaipur itself. Counsel for applicant submitted that in view of this position the applicant would like to file a fresh representation detailing out his genuine problems and difficulties before the competent authority i.e. respondent No.2-Joint Secretary(CPV), New Delhi and further pursue his case for cancellation/modification of his transfer order dated 30th July, 2015 (Ann.A/1) by which he has been transferred from Jaipur to Raipur Passport Office.

2. In this regard, counsel for respondents submitted that though now the applicant is seeking to approach the authorities for re-consideration of his matter but at the same time as brought out in reply it is clear that there is no violation of any policy guidelines and the transfer order (Ann.A/1 dated 30th July, 2015) is just and proper and the applicant has been transferred for the first time after 30 years of service at Jaipur in different posts and further he has got all his promotions so far at Jaipur itself.

3. Considered the aforesaid contentions and perused the record. In view of the submissions made by the Ld. Counsel for applicant that the applicant would like to file a fresh representation before the concerned authorities regarding his

transfer, it is deemed appropriate to dispose of this OA, without going into the merits of the case, lest it prejudice the case of either side, with certain directions. Accordingly it is directed that:-

1) That the applicant may file a fresh representation regarding his transfer order dated 30th July, 2015 (Ann.A/1) giving each and every detail of his case before the competent authority i.e. respondent No.2, within a week from the date of receipt of a copy of this order.

2) If any such representation is received (within the aforesaid prescribed time) by the respondent No.2 the competent authority of the respondent department, it will consider and decide the same in accordance with law at the earliest and definitely within three weeks from the date of receipt of such representation; and till the decision on the representation, the applicant may not be relieved in pursuance of the transfer order dated 30.07.2015 Ann.A/1.

3) In case the applicant has any grievance remaining thereafter, he may approach the appropriate forum as per law.

4) If no such representation is filed by the applicant before the respondent No.2 within the prescribed time, the respondents would be free to take required action with regard to transfer order of the applicant (Ann.A/1 dated 30.07.2015) as per law.

With these directions, the OA along with MA, is disposed of with no order as to costs.



(MS.MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER

Adm/